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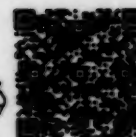
Social and human rights questions: human rights

Letter dated 19 June 2018 from the Permanent Representative of the Russian Federation addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement delivered by the representative of the Russian Federation during the Coordination and Management Meeting of the Economic and Social Council, under agenda item 19 (f) entitled "Social and human rights questions: human rights" (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Economic and Social Council under agenda item 19 (f).

(Signed) V. Nebenzia



Annex to the letter dated 19 June 2018 from the Permanent Representative of the Russian Federation addressed to the Secretary-General

Statement delivered by the representative of the Russian Federation, Mr. Stepan Kuzmenkov, during the Coordination and Management Meeting of the Economic and Social Council, under agenda item 19 (f)

"Human rights: report of the Committee on Economic, Social and Cultural Rights on its 2017 session"

(New York, 12–14 June 2018)

12 June 2018

Mr. President,

I should like to take this opportunity to comment on the concluding observations of the Committee on Economic, Social and Cultural Rights following its consideration, at its sixty-second session in September 2017, of the sixth periodic report of the Russian Federation on the implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights.

Despite the work carried out by the Committee to optimize its work, we believe that the arrangements and procedures in place for the consideration of national reports still require further adjustments. For example, during the dialogue itself, a significant amount of the time that might have been spent on a substantive discussion of the implementation of specific articles of the Covenant was spent on general theoretical questions.

There remains a concern over Committee experts being too trusting of information provided by non-governmental organizations, both via shadow reports and meetings held prior to the presentation of the report itself. At times such information is unverified and gives a distorted picture of events taking place on the ground. Unfortunately, it was on the basis of such unverified data that recommendations were made in paragraphs 15 (b), (c) and (e), paragraphs 47 and 49, and paragraphs 57 (b) and (d) of the concluding observations concerning the situation of indigenous peoples in the Russian Federation, in particular the Shor people and Roma, as well as representatives of sexual minorities.

Furthermore, the explanations provided by the delegation were not incorporated in the concluding observations in paragraph 6 (on the applicability of Covenant articles to the national judicial system and the training of public officials); paragraph 8 (on non-governmental organizations); paragraph 10 (on the rights of Crimean Tatars and ethnic Ukrainians); paragraph 31 (on the adoption of minimum wage legislation); paragraph 35 (on ensuring the right to strike); paragraph 37 (on providing a social security system); and paragraph 41 (on the situation of children living in institutions).

We cannot agree with the multiple references in the concluding observations to various general comments by the Committee, as contained in paragraphs 6, 13, 23, 25(e), 27, 29, 31, 33(e), 47(d), 51(g), 55 and 57 (e). At meetings of treaty body representatives, as well as meetings and conferences of States parties to international treaties, the Russian Federation has repeatedly stressed that general comments are solely the private opinions of experts and may not impose on States any new obligations additional to those undertaken by them when ratifying or acceding to an

international treaty, unless otherwise declared by a State on a voluntary basis. Accordingly, we officially declare that, in preparing periodic reports on the implementation of the provisions of the Covenant, we shall continue to be guided exclusively by the articles of that international treaty.

It is also inappropriate, in our view, for the concluding observations to include recommendations on contentious topics, in respect of which the international community has yet to develop a unified approach. This particularly applies to the concluding observations in paragraphs 23, 53 and 57 (b) regarding non-discrimination on the basis of sexual orientation and gender identity and concerning the harassment of sex workers.

We wish to underscore that it is unacceptable to seek to impose topics on States that go against their State policies and undermine the bedrock of society. This particularly pertains to the use of opioid replacement therapy (paragraph 51 (d)) and the decriminalization of drug possession for personal consumption (paragraph 51 (a)).

We also believe that the Committee's concluding observations should not include passages that were not discussed at the time the report was under consideration. This pertains to paragraph 15 (f) on the ratification of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and paragraph 61 concerning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

In our view it is inappropriate to link article 11 of the Covenant to the issue of climate change (para 43), which, incidentally, was another topic that was not raised during the dialogue with the experts.

Accordingly, in its follow-up actions to implement the provisions of the Covenant, the Russian Federation reserves the right to be guided by its national interests in the context of implementing the Committee recommendations contained in a number of the aforementioned paragraphs of the concluding observations.

Thank you.
